

## **REMARKS**

This submission is in response to the Official Action dated December 29, 2005.

Reconsideration of the above identified application, in view of the above amendment and the following remarks, is respectfully requested.

### **I. Status of the Claims**

Claims 1-6 have been withdrawn from consideration.

Claim 7 has been amended.

Claims 7-9 are currently pending.

### **II. Acknowledgment of allowable subject matter**

Applicant's Attorneys would like to thank the Examiner for the acknowledgment of allowable subject matter in claims 8 and 9.

### **III. Rejections Under 35 U.S.C. § 103(a)**

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable for obviousness over U.S. Patent No. 4,173,792 to Intengan in view of U.S. Patent No. 5,673,434 to Risk.

Applicant has amended claim 7 to recite the step of pinching the necktie at a position proximate to the fold with a clip with "the length of the fabric between the fold and the clip being exposed." Applicant submits that neither Intengan nor Risk teach or suggest using the tie's fabric to display the appearance of the tie knot. Intengan and Risk must match the color/pattern of a separate part to the color/pattern of the tie to give the appearance of a knotted necktie combination.

Furthermore, Intengan and Risk's additional parts need not be composed of the tie's fabric. Rather, the present invention uses the tie's own fabric to create the appearance of a tie which has been knotted about the neck of the shirt and therefore, **additional matching of colors and patterns is not necessary** because the tie and the tie's knot are created from the same fabric (namely, the tie itself).

Intengan discloses a body 22 and shield 40 (an extra component) which, when combined, form the appearance of a knot in the tie. Since Intengan is concerned with simulating a knotted necktie combination he would have the added task of matching the color and pattern on the ties fabric to that on his shield 40. Likewise, Risk requires a coupling segment 12 (an extra component) which must be matched in color and pattern to his supplemental segments 26, 28 and 30, should one desire to simulate a knotted necktie combination. Applicant submits that by pinching the necktie at a position proximate to the fold with a clip, the length of the fabric between the fold and the clip is exposed leaving the appearance of a knotted necktie combination.

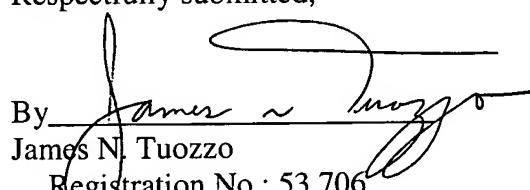
Should the Examiner require further clarification on this issue or if there are any remaining issues remaining which the Examiner believes could be resolved through either, a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

## CONCLUSION

In view of the above amendments and remarks, it is believed that claims 7-9 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

Dated: March 9, 2006

Respectfully submitted,

By 

James N. Tuozzo

Registration No.: 53,706

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7679

(212) 753-6237 (Fax)

Agent For Applicant